

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Everett and Karen Downs,

Complainants,

v.

Case 01-11-027

Citizens Water Resources,

Defendant.

**ADMINISTRATIVE LAW JUDGE'S RULING  
(1) GRANTING MOTION TO CONTINUE HEARING; AND  
(2) RECALENDARING CASE AS A REGULAR COMPLAINT CASE**

This Complaint was filed on November 7, 2001, under the Commission's Expedited Complaint Procedure (Rule 13.2). Defendant filed its Answer on December 17, 2001. Concurrently with its Answer, Defendant filed a Motion to Continue Hearings. Defendant requests that the hearing set for January 10, 2002 be postponed until after February 15, 2002 because of the pending sale of all of the Defendant's water utility assets to American Waterworks Company (American). This sale was approved by the Commission in Decision 01-09-057. The sale approved by the Commission's decision is now scheduled to close on January 9, 2002. Defendant states that because of the nature of the relief sought in this Complaint, some of which is prospective in nature, the purchaser of Citizens Utilities Company of California (CUCC) water assets, i.e. American, will have an interest in the proceeding, and should be permitted to conduct and direct a defense in the manner it believes is appropriate rather than be bound by

defense decisions made by CUCC. Further, Defendant states that CUCC personnel and those of American will be fully occupied by closing and transfer details for the month of January 2002, and it is not reasonable to require them to appear and present a defense to this Complaint on January 10<sup>th</sup>.

I conclude that good cause has been shown for postponement of the hearing until after February 15, 2002.

Furthermore, I have reviewed the Complaint and the Answer and conclude that this matter is too complicated to be handled under the Commission's Expedited Complaint Procedure. Pub. Util. Code § 1702.1(a) reads in part:

“...However, when the public interest so requires, the commission or presiding officer may, at any time prior to the filing of a decision, terminate the expedited complaint procedure and recalendar the matter for hearing under the commission's regular procedure.”

I believe the public interest will be best served if a full and complete record, including a hearing transcript, is prepared in this proceeding. Thereby, the Commission would avoid the need for a new hearing in the event there is an Application for Rehearing. Therefore, this proceeding should be recalendared as a regular complaint case.

**IT IS RULED** that:

1. The Motion to continue the hearing set for January 10, 2002 to a date after February 15, 2002 is granted.
2. This proceeding shall be recalendared as a regular complaint case.

3. A prehearing conference is scheduled for 1:30 p.m. on Tuesday, February 19, 2002 at the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California.

Dated January 8, 2002, at San Francisco, California.

/s/ BERTRAM D. PATRICK

Bertram D. Patrick  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling (1) Granting Motion to Continue Hearing; and, (2) Recalendaring Case as a Regular Complaint Case on all parties of record in this proceeding or their attorneys of record.

Dated January 8, 2002, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.